

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IOVATE HEALTH SCIENCES, U.S.A.,	:
INC., IOVATE HEALTH SCIENCES	:
INTERNATIONAL, INC., IOVATE T &P,	:
INC., FLAMMA SpA, and	:
USE TECHNO CORPORATION,	:
	:
Plaintiffs,	:
	:
v.	: Civil Action No. 07-286-JJF
	:
WELLNx LIFE SCIENCES INC.	:
(d/b/a NV INC.), NxCARE INC.,	:
NxLABS INC., SLIMQUICK	:
LABORATORIES, BIOGENETIX, DEREK	:
WOODGATE, and BRADLEY WOODGATE,	:
	:
Defendants.	:

**ORDER**

WHEREAS, Plaintiffs Iovate Heath Sciences U.S.A., Inc. and Iovate T&P, Inc. (collectively "Iovate") filed this action on May 24, 2008 against Defendants WellNx Life Sciences Inc., NxCare, Inc., NxLabs, Inc., Slimquick Laboratories, Biogenetix, Derek Woodgate and Bradley Woodgate (D.I.1);

WHEREAS, on July 16, 2007, Defendants Derek Woodgate and Bradley Woodgate filed a Motion to Dismiss for Lack of Jurisdiction Over the Person (D.I. 13);

WHEREAS, the Court has allowed the parties leave to conduct jurisdictional discovery;

WHEREAS, a substantial amount of confusion regarding the starting date for jurisdictional discovery has resulted;

WHEREAS, on February 1, 2008, the Court entered an Order (D.I. 44) setting a deadline of February 16, 2008 for the

completion of jurisdictional discovery;

WHEREAS, the Court granted Plaintiffs request for an extension of time beyond February 16, 2008 in which to conduct jurisdictional discovery by Order dated February 28, 2008 (D.I. 13);

WHEREAS, the Court's February 28, 2008 Order indicated that supplemental briefing regarding Defendants' Motion to Dismiss should be submitted within ten days of the depositions of the individual defendants, but did not set a date for the submission of supplemental briefing regarding Defendants Motion to Dismiss (D.I. 50);

WHEREAS, the Court set a supplemental briefing schedule by Order dated March 25, 2008 (D.I. 56);

WHEREAS, on April 4, 2008, Plaintiffs filed a Motion for Reconsideration of the Court's March 25, 2008 Order (D.I. 57);

WHEREAS, by letter dated February 15, 2008, Plaintiff indicated its intention to conduct the depositions of the individual defendants "in the course of general fact discovery;"

WHEREAS, pursuant to the Court's Scheduling Order entered October 2, 2007, fact discovery should completed by July 25, 2008;

WHEREAS, Defendants' Motion to Dismiss (D.I. 13) has been pending for over eight months, and the parties anticipate that briefing on this Motion will not be completed until after fact discovery closes on July 25, 2008;

NOW THEREFORE IT IS HEREBY ORDERED:

1. Pursuant to the Court's Order dated February 28, 2008, the Court will vacate its Order dated March 25, 2008 (D.I. 56), and terminate Plaintiffs' Motion for Reconsideration (D.I. 57) as moot.
2. For administration purposes, Defendants' Motion to Dismiss for Lack of Jurisdiction Over the Person (D.I. 13) is **DENIED** with Leave to Renew following the completion of jurisdictional discovery in this action.

April 23, 2008

  
UNITED STATES DISTRICT JUDGE